

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

KRISTEN KING,)
)
)
Plaintiff,)
)
)
v.) Civil Action No. 1:19-cv-00077-GWC
)
)
ARAMARK SERVICES, INC.,)
)
)
Defendant.)
)

**DEFENDANT'S APPENDIX TO LOCAL RULE 56 SEPARATE STATEMENT OF
FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Defendant Aramark Services, Inc. (“Aramark” or Defendant”) submits this Appendix to its Local Rule Statement of Material Facts filed in support of its Motion for Summary Judgment. This Appendix includes the following evidence cited in support of Aramark’s Motion for Summary Judgment:

- Exhibit A – Offer Letter, dated April 5, 2012
- Exhibit B – General Manager Job Description
- Exhibit C – Aramark’s Business Conduct Policy
- Exhibit D – Aramark’s Equal Employment Opportunity and Affirmative Action policy
- Exhibit E – Aramark’s Policy Against Sexual Harassment and Other Workplace Harassment
- Exhibit F – Email Chain, dated October 6, 2015 and February 26, 2017
- Exhibit G – Performance Management Policy, dated October 11, 2016
- Exhibit H – First Written Documentation, dated August 29, 2016

- Exhibit I – K. King’s September 2, 2016 Response
- Exhibit J – Revised Version of First Written Documentation, dated September 29, 2016
- Exhibit K – Final Written Documentation, dated March 27, 2017
- Exhibit L – Hotline Call Report, dated March 27, 2017
- Exhibit M – Final Written Documentation, dated May 9, 2017
- Exhibit N – Performance Improvement Plan, dated August 14, 2017
- Exhibit O – Aramark Global Travel & Expense Policy, attached as Exhibit O
- Exhibit P – Expense Report, titled “Kristin” and dated September 6, 2017
- Exhibit Q – Hotline Call Report, dated September 19, 2017
- Exhibit R – Letter from K. Barrett, dated September 21, 2017
- Exhibit S – Charge of Discrimination
- Exhibit T – Declaration of Kelly Barrett
- Exhibit U – Declaration of Griff Thomas, which includes exhibits
 - Thomas Decl. Ex. 1 – Email from G. Thomas, dated October 30, 2015
 - Thomas Decl. Ex. 2 – Email from G. Thomas, dated June 24, 2016
 - Thomas Decl. Ex. 3 – Email from G. Thomas, dated July 11, 2016
 - Thomas Decl. Ex. 4 – Emails between G. Thomas and K. King, dated July 11, 2016 and July 13, 2016
 - Thomas Decl. Ex. 5 – Emails between G. Thomas and K. King, dated July 27, 2016
 - Thomas Decl. Ex. 6 – Emails between G. Thomas and K. King on various dates in July 2016

- Thomas Decl. Ex. 7 – Emails between K. King, R. Sharon and/or G. Thomas, dated July 18, 2016, July 19, 2016 and August 10, 2016
- Thomas Decl. Ex. 8 – Email chain, dated August 3, 2016 – August 10, 2016
- Thomas Decl. Ex. 9 – Memo from G. Thomas, dated September 10, 2016
- Thomas Decl. Ex. 10 – Kristin King File note with screenshot of email dated January 19, 2017
- Thomas Decl. Ex. 11 – Screenshots of Emails dated February 15, 2017 and March 3, 2017
- Thomas Decl. Ex. 12 – Screenshots of Emails dated February 15, 2017
- Thomas Decl. Ex. 13 – Kristin King File note with screenshot of email dated January 19, 2017, February 15, 2017 and March 3, 2017
- Thomas Decl. Ex. 14 – Email chain, dated March 15, 22, 29, & 30 2017
- Thomas Decl. Ex. 15 – Email chain, dated September 17, 2017 and September 18, 2017
- Thomas Decl. Ex. 16 – Email Chain, dated October 14-15, 2015
- Thomas Decl. Ex. 17 - Email Chain, dated September 30, 2016
- Thomas Decl. Ex. 18 - Email Chain, dated October 6, 2015
- Thomas Decl. Ex. 19 – Email Chain, dated April 4 & 6, 2017
- Thomas Decl. Ex. 20 – Calendar Notices, dated December 10, 2015
- Thomas Decl. Ex. 21 – Email Chain, dated February 29, 2016
- Thomas Decl. Ex. 22 – Email Chain, dated March 1, 2016
- Exhibit V – Declaration of Anne Martinez, which includes cited excerpts from deposition transcript and two other exhibits (labeled Martinez Decl. Ex. 1 and Martinez Decl. Ex. 2)

- Martinez Decl. Ex. 1 – Cited portions of transcript from July 12, 2021 deposition of Plaintiff Kristen King (“Pl. Dep.”)
- Martinez Decl. Ex. 2 – Cited portions of transcript from August 5, 2021 deposition of Tracy Miller
- Martinez Decl. Ex. 3 – Cited portions of transcript from August 24, 2021 deposition of Jacob Williford
- Martinez Decl. Ex. 4 – Cited portions of transcript from September 30, 2021 deposition of Griffith Thomas
- Martinez Decl. Ex. 5 – Cited portions of transcript from August 27, 2021 deposition of Rebecca Adams
- Martinez Decl. Ex. 6 – Cited portions of transcript from August 25, 2021 deposition of Kelly Barrett
- Martinez Decl. Ex. 7 – Cited portions of transcript from September 22, 2021 deposition of Brittany Cubbage
- Martinez Decl. Ex. 8 – Cited portions of transcript from August 12, 2021 deposition of Thomas DeGori
- Martinez Decl. Ex. 9 – Cited portions of transcript from August 17, 2021 deposition of Christopher Harriman
- Martinez Decl. Ex. 10 – Cited portions of transcript from September 23, 2021 deposition of John Wilson
- Martinez Decl. Ex. 11 – Email from K. King, dated February 29, 2016
- Martinez Decl. Ex. 12 – Equal Employment Opportunity Commission’s Dismissal and Notice of Rights, dated October 17, 2018

Dated: November 1, 2021
Philadelphia, Pennsylvania

Respectfully submitted,
MORGAN, LEWIS & BOCKIUS LLP

By: /s Anne E. Martinez
Anne E. Martinez (*admitted pro hac vice*)
Charles J. Reitmeyer (*admitted pro hac vice*)
1701 Market Street
Philadelphia, PA 19103
Tel.: (215) 963-5718/4841
Fax: (215) 963-5001
anne.martinez@morganlewis.com
charles.reitmeyer@morganlewis.com

HODGSON RUSS LLP

Patrick E. Fitzsimmons
The Guaranty Building
140 Pearl Street, Suite 100
Buffalo, NY 14202
Phone: (716) 848-1710
Fax: (716) 961-9965
pfitzsim@hodgsonruss.com